IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

Criminal Application No.1030 of 2007

In

Criminal Appeal No.804 of 2007

1. Shivaji Piraji Patil

2. Smt. Savitri Piraji Patil Applicants

Vs.

State of Maharashtra Respondent

Mr.Nitin Pradhan with Ms.Shubhada Khot for applicant.

Mr.P.A.Pol, APP for State.

CORAM: B.H.MARLAPALLE, J.
September 10, 2007.

P.C.

. Heard Mr.Pradhan with Ms.Khot, the learned counsel for the applicants and Mr.Pol, the learned APP for State.

. This is an application for being released on bail during the pendency of Criminal Appeal No.804 of 2007. The applicants - accused have been convicted and sentenced for the offences punishable under Sections 306 and 498-A read with Section 34 of IPC.

For the first offence they have been sentenced to suffer RI for seven years and for the second offence, RI for three years. Mr.Pradhan states that the fine amount on both the counts has already been deposited.

. The marriage of accused no.1 Shivaji Patil with the deceased-Asha had taken place in the year 1992 and from the said wedlock two children were born i.e. Swapnali (PW 2) and Sourav. The deceased committed suicide on 2/12/2006 i.e. after about 14 years of marriage and PW 2 when appeared before the Court for recording the statement is shown to be of 13 years of age. The trial Court has mainly relied upon the evidence of PW 1 and PW 2 to convict the accused on both the counts. The deposition copies of all the witnesses are placed on record along with the appeal memo. I have perused the depositions of PW 1 and PW 2 along with the depositions of the PW 4 - Ankush Pawar, I.O. I am satisfied that both the accused deserve to be released on bail during the pendency of Criminal Appeal No.804 of 2007.

. Hence the application is allowed and it is hereby directed that the applicants shall be released on bail, unless required in some other case, on the

same terms as before the trial Court but on fresh bonds, and the Appolicant No.1 shall report to the nearest police station once in 15 days, during the pendency of the appeal.

(B.H.MARL